

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2214**

Introduced by

Senators Casper, Burckhard, Robinson

Representatives Beadle, Oversen, Silbernagel

1 A BILL for an Act to amend and reenact subsection 4 of section 51-30-01 and section 51-30-02
2 of the North Dakota Century Code, relating to security breach notification.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 4 of section 51-30-01 of the North Dakota Century
5 Code is amended and reenacted as follows:

- 6 4. a. "Personal information" means an individual's first name or first initial and last
7 name in combination with any of the following data elements, when the name and
8 the data elements are not encrypted:
- 9 (1) The individual's social security number;
 - 10 (2) The operator's license number assigned to an individual by the department
11 of transportation under section 39-06-14;
 - 12 (3) A nondriver color photo identification card number assigned to the individual
13 by the department of transportation under section 39-06-03.1;
 - 14 (4) The individual's financial institution account number, credit card number, or
15 debit card number in combination with any required security code, access
16 code, or password that would permit access to an individual's financial
17 accounts;
 - 18 (5) The individual's date of birth;
 - 19 (6) The maiden name of the individual's mother;
 - 20 (7) Medical information;
 - 21 (8) Health insurance information;
 - 22 (9) An identification number assigned to the individual by the individual's
23 employer in combination with any required security code, access code, or
24 password; or

1 (10) The individual's digitized or other electronic signature.

2 b. "Personal information" does not include publicly available information that is
3 lawfully made available to the general public from federal, state, or local
4 government records.

5 **SECTION 2. AMENDMENT.** Section 51-30-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **51-30-02. Notice to attorney general and consumers.**

8 Any person that ~~conducts business in this state,~~ and that owns or licenses computerized
9 data that includes personal information, shall disclose any breach of the security of the system
10 following discovery or notification of the breach in the security of the data to any resident of the
11 state whose unencrypted personal information was, or is reasonably believed to have been,
12 acquired by an unauthorized person. In addition, any person that experiences a breach of the
13 security system as provided in this section shall disclose to the attorney general by mail or
14 email any breach of the security system which exceeds two hundred fifty individuals. The
15 disclosure must be made in the most expedient time possible and without unreasonable delay,
16 consistent with the legitimate needs of law enforcement, as provided in section 51-30-04, or any
17 measures necessary to determine the scope of the breach and to restore the integrity of the
18 data system.